



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, वीरवार 7 जून, 2012/17 ज्येष्ठ, 1934

हिमाचल प्रदेश सरकार

उद्योग विभाग

अधिसूचना

शिमला-2, 29.05.2012

संख्या: इण्ड-II (एफ) 6-5/2006.-हिमाचल प्रदेश की राज्यपाल, खान और खनिज (विकास और विनियम) अधिनियम, 1957 की धारा 15 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दी हिमाचल प्रदेश माईनर मिनरल्ज (क्रन्सेशन) रिवाइज्ड रूलज, 1971 का और संशोधन करने के लिए निम्नलिखित नियम बनाती हैं, अर्थात् :-

1. संक्षिप्त नाम और प्रारम्भ.- (1) इन नियमों का संक्षिप्त नाम दी हिमाचल प्रदेश माईनर मिनरल्ज (क्रन्सेशन) रिवाइज्ड (अमेंडमेंट) रूलज, 2012 है ।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशन की तारीख से प्रवृत्त होंगे ।

2. नियम 19 का प्रतिस्थापन.—दी हिमाचल प्रदेश माईनर मिनरल्ज (क्रन्सेशन) रिवाइज्ड रूलज, 1971 (जिन्हें इसमें इसके पश्चात् "उक्त नियम" कहा गया है) के नियम 19 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

"19. Execution of lease.—Where a mining lease is sanctioned, the lease deed in Form "F" shall be executed within six months from the date of sanction of lease by the authority competent to sanction the lease under these rules only after approval of Working-cum-Environment Management Plan from the State Geologist, Himachal Pradesh and if the lease is not executed within the aforesaid period, the order sanctioning the lease shall be deemed to have been revoked and the application fee shall be forfeited to the Government:

Provided that where the Government is satisfied that the lessee is not responsible for the delay in the execution of the lease, the Government may permit the execution of the lease after the expiry of the said period.

(2) The currency of lease shall be effective from the date of its execution."

3. नियम 21 का संशोधन.—उक्त नियमों के नियम 21 में,—

(क) उप-नियम (4) के खण्ड ;पपद्ध के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

"(ii) The Working-cum-Environment Management Plan shall be prepared in accordance with the contents contained in Form-N by a person holding qualification as per provisions of sub-rule (2) of rule 22B of the Mineral Concession Rules, 1960 duly registered for this purpose with the Geological Wing of the Department of Industries, Himachal Pradesh;

(ख) उप-नियम (4) के खण्ड (v) के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

"(v) The lease deed shall only be executed after approval of Working-cum-Environment Management Plan."; और

(ग) इस प्रकार प्रतिस्थापित खण्ड (v) के पश्चात् निम्नलिखित खण्ड जोड़े जाएंगे, अर्थात् :—

"(vi) No person shall undertake mining operations in any mining lease area, except in accordance with a Working-cum-Environment Management Plan approved under clause (iii) of this rule.

(vii) If the mining operations are not carried out in accordance with the approved Working-cum-Environment Management Plan, the State Geologist, Geologist, Assistant Geologist and the Mining Officer, may order suspension of all or any of the mining operations and permit continuation of only such operations as may be necessary to restore the conditions in the mine as envisaged under the said Working-cum-Environment Management Plan."

प्ररूप-N का जोड़ना.—उक्त नियमों से संलग्न प्ररूप-M के पश्चात् निम्नलिखित नया प्ररूप-N जोड़ा जाएगा, अर्थात् :-

“प्ररूप-N”

[See rule 21 (4)(ii)]

Format for the Working-cum- Environment Management Plan

1 . General:

- 1.1 Name and address of the applicant
- 1.2 Name of the applicant
- 1.3 Address of the applicant
P.O.....
Tehsil.....
District.....
Pin.....Phone.....
- 1.4 Status of the applicant (Private individual/Private Company or any other):
- 1.5 Minerals which applicant intends to mine:
- 1.6 Period for which mining lease is granted /renewed:
- 1.7 The letter no of grant order/renewal (photocopy to be annexed):
- 1.8 Name and address of the Registered Qualified Person (hereinafter referred to as ‘RQP’) preparing Working-cum-Environment Management Plan:
- 1.9 Address of the applicant
Village.....
P.O.....
Tehsil.....
District.....
Pin.....Phone.....
- 1.10 Registration No. of RQP Valid upto
- 1.11 Name and address of the prospecting agency
Village.....
P.O.....
Tehsil.....
District.....
Pin.....Phone.....

2. Location and approach of the area (Location Map to be annexed):

- 2.1 Toposheet number, with latitude and longitude of the area.....

- 2.2 Location of the area
 Village.....
 Patwar Circle.....
 P.O.....
 Tehsil.....
 District.....
- 2.3 Sub-Division Office (Civil)
 Sub-Division Office (Forest)..... Range office.....
 Sub-Division Office (IPH)
 Sub-Division Office (PWD)
- 2.4 Distance from Important places in Kms.
 1.
 2.
 3.
- 2.5 Approach of the area
- 2.6 Detail of the area, Revenue record to be appended in the following format:-

Sr. No.	Detail of area					
	Kh. No.	Owner	Kism	Mauza	Area	Panchayat
1.						
2.						

3. Detail of land use and social aspect of area:

- 3.1. Land use :
 3.2. Agriculture :
 3.3. Horticulture :
 3.4. Animal husbandry :
 3.5. Fisheries :

4. Flora and fauna of the area:

5. Physiographical aspect of the area:

- 5.1. General :
 5.2. Altitude :
 5.3. Climate of the area :
 5.4. Rainfall of the area :
 5.5. Any other important physical feature :

6. Description of Mining Lease Area:

6.1. Description of the River/Stream bed on which the lease area is situated (in case of River/Stream bed mining):

- 6.1.1. General :
 6.1.2. Name of river/stream in which the lease area is situated :

- 6.1.3. Drainage system :
- 6.1.4. Type of drainage :
- 6.1.5. Origin of river/stream :
- 6.1.6. Altitude at origin :
- 6.1.7. Width of river at the place of mining :
- 6.1.8. The annual deposition on river/stream bed :
- 6.1.9. The competency of river/stream at the mining site (*i.e* the weight of largest fragment which is transported by stream/river).

(Attach a map showing boundaries of the mining lease, adjoining area, point of public utility in the area/nearby village footpath, road, school, residential house, hospital, cattle shed, charitable building, water channel, cemetery/cremation ground, place of worship *etc.*, any activity of the forest department in the area such as soil conservation works, nursery plantation, check dams, taming of nallas/stream *etc.*, type of road *viz* National Highway, State Highway, link road, village road, any bridge, any water supply scheme, such as water supply tank, water supply bore well, Irrigation canal, water supply scheme gallery *etc.*, boundary of nearby lease area, if any, the area susceptible to erosion and any other important feature).

Meandering pattern of the river, including:-

the level of High Flood Level :

the level of Low Flood Level :

the thread of deepest water in the meandering :

6.2. Description of the area in which the lease area is situated (In case of hill slope mining):

- 6.2.1. General :
- 6.2.2. Slope angle :
- 6.2.3. Aspect :
- 6.2.4. Type of drainage in the area, if any :
- 6.2.5. Origin of river/stream in the area, if any :
- 6.2.6. The area prone to land slide, if any :
- 6.2.7. Spring, if any :
- 6.2.8. Any other details:

(Attach a map showing boundaries of the mining lease, adjoining area, point of public utility in the area/nearby village footpath, road, school, residential house, hospital, cattle shed, charitable building, water channel, cemetery/cremation ground, place of worship *etc.*, any activity of the forest department in the area such as soil conservation works, nursery plantation, check dams, taming of nallas/stream *etc.*, type of road *viz* National Highway, State Highway, link road, village road, any bridge, any water supply scheme, such as water supply tank, water supply bore well, Irrigation canal, water supply scheme gallery *etc.*, boundary of nearby lease area, if any, the area susceptible to erosion and any other important information).

7. Geology (in case of river/stream bed mining):

- 7.1. The Regional Geology of the area :
- 7.2. Local Geology of the area :
- 7.3. The nature of boulders, cobbles, Sand etc. :
- 7.4. The nature of rock of the bank and their attitude :

(A geological map of the area with appropriate scale of mapping, showing pitting, trenching etc to be annexed)

- 7.5. Estimate of geological and mineable reserve of each mineral i.e. Sand, Stone, River borne bajri:
- 7.6. Estimated replenishment of the area mineral wise :
- 7.7. Development and production programme for the first five years including precaution to be observed to prevent haphazard excavation, over exploitation, scattering of waste, if any.

(Year wise plan of excavation to be annexed)

7. Geology (in case of Hill Slope Mining):

- 7.1. The Regional Geology of the area :
- 7.2. The Local Geology of the area :
- 7.3. The joint/thrust plane etc. :
- 7.4. The nature of rocks and their attitude :

(A geological map of the area with appropriate scale of mapping, showing pitting, trenching etc. to be annexed)

- 7.5. Estimates of geological reserve of each mineral along with grade under proved, probable and possible category and mineable reserve by standard method of estimation supported by analytical reports :
- 7.6. Development and production programme for the first five years including precaution to be observed to prevent haphazard excavation, over exploitation, scattering of waste, .if any :

(Year wise plan of excavation to be annexed)

8. Waste disposal arrangement, if any:

Describe briefly the arrangements made for top soil utilization, if any, waste disposal along with their respective quantity likely to be generated for the five years indicating location on the maps.

9. Reclamation Plan:

Describe briefly the year wise reclamation and replenishment plan, giving details of proposed plantation program to be marked on the relevant maps with estimated cost of reclamation.

10. Strategy for protection of point of public utility etc.:

Describe briefly the strategy for protection of point of public utility in the lease and its adjoining areas such as village footpath, road, school, residential house, hospital, cattle shed, charitable building, water channel, cemetery/cremation ground, place of worship including any activity of the forest department in the area such as soil conservation works, nursery plantation, check dams, taming of nallas/stream etc, type of road viz National Highway, State highway, link road, village road, any bridge any water supply scheme, such as water supply tank, water supply bore well, Irrigation canal, water supply scheme gallery etc. boundary of nearby lease area, if any, the area susceptible to erosion and any other important features which shall be marked on the relevant maps.

11. Manpower Development:

Give average daily employment.

12. Use of mineral:

Describe the utilization of mineral and the type of industry.

13. Any other relevant information:**14. Certificate:**

Certified that the provisions of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971 and other guidelines issued from time to time in this regard have been observed in the Working-cum-Environment Management Plan of.....quarry of M/S

The information provided and the data furnished in this Working –cum- Environment Management Plan is correct to the best of my knowledge.

Date.....

Place :

Signature of RQP

Registration No.

Address of the RQP.

15. Declaration:

This is to declare that the Working-cum-Environment Management Plan of..... Quarry, over an area of bigha/ hectare/ Kanal, situated in Kh.No....., Mauza..... District H.P., has been prepared with my consent and approval and that I shall abide by all commitment thereunder. In case of default on my/our part, the approval of Working -cum -Environment Management Plan may be withdrawn.

Date

Place :

Signature of the lessee

Name and address.”.

आदेश द्वारा,

हस्ता०/—

प्रधान सचिव (उद्योग)।

[Authoritative English text of this Department Notification number :Ind-II(F)6-5/2006 dated 29-05-2012 as required under clause (3) of article 348 of the constitution].

INDUSTRIES DEPARTMENT

NOTIFICATION

Shimla-2, the 29/05/2012

No. Ind-II (F) 6-5/2006.—In exercise of the power conferred by sub-section (1) of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957, the Governor, Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971, namely:-

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh Minor Minerals (Concession) Revised (Amendment) Rules, 2012.

(2) They shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.

2. Substitution of rule 19.—For rule 19 of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971 (hereinafter referred to as the ‘said rules’), the following shall be substituted namely:-

“19. Execution of lease.—Where a mining lease is sanctioned, the lease deed in Form “F” shall be executed within six months from the date of sanction of lease by the authority competent to sanction the lease under these rules only after approval of Working-cum-Environment Management Plan from the State Geologist, Himachal Pradesh and if the lease is not executed within the aforesaid period, the order sanctioning the lease shall be deemed to have been revoked and the application fee shall be forfeited to the Government:

Provided that where the Government is satisfied that the lessee is not responsible for the delay in the execution of the lease, the Government may permit the execution of the lease after the expiry of the said period.

(2) The currency of lease shall be effective from the date of its execution.”.

3. Amendment of rule 21.—In rule 21 of the said rules,-

(a) In sub-rule (4), for clause (ii), the following shall be substituted namely:-

“(ii) The Working-cum-Environment Management Plan shall be prepared in accordance with the contents contained in Form-N by a person holding qualification as per provisions of sub-rule (2) of rule 22B of the Mineral Concession Rules, 1960 duly registered for this purpose with the Geological Wing of the Department of Industries, Himachal Pradesh;

(b) In sub-rule (4), for clause (v), the following shall be substituted, namely“(v) The lease deed shall only be executed after approval of Working-cum-Environment Management Plan.”; and

(c) after clause (v) so substituted, the following clauses shall be added, namely:-

“(vi) No person shall undertake mining operations in any mining lease area, except in accordance with a Working-cum-Environment Management Plan approved under clause (iii) of this rule.

(vii) If the mining operations are not carried out in accordance with the approved Working-cum-Environment Management Plan, the State Geologist, Geologist, Assistant Geologist and the Mining Officer, may order suspension of all or any of the mining operations and permit continuation of only such operations as may be necessary to restore the conditions in the mine as envisaged under the said Workingcum-Environment Management Plan.”.

Addition of Form-N.—After Form-M appended to the said rules, the following new Form-N shall be added, namely:-

“Form “N”

(See rule 21 (4)(ii))

Format for the Working -cum- Environment Management Plan

2 . General

- 2.1 Name and address of the applicant
- 2.2 Name of the applicant
- 2.3 Address of the applicant
- P.O.....
- Tehsil.....
- District.....
- Pin.....Phone.....
- 1.4 Status of the applicant (Private individual/Private Company or any other):
- 1.5 Minerals which applicant intends to mine:
- 1.6 Period for which mining lease is granted /renewed:
- 1.7 The letter no of grant order/renewal (photocopy to be annexed):
- 1.8 Name and address of the Registered Qualified Person (hereinafter referred to as ‘RQP’) preparing Working-cum-Environment Management Plan:
- 1.9 Address of the applicant
- Village.....
- P.O.....
- Tehsil.....
- District.....
- Pin.....Phone.....

- 1.10 Registration No. of RQP Valid upto
- 1.11 Name and address of the prospecting agency.....
- Village.....
- P.O.....
- Tehsil.....
- District.....
- Pin.....Phone.....

2. Location and approach of the area (Location Map to be annexed)

- 2.1 Toposheet number, with latitude and longitude of the area.....
- 2.2 Location of the area
- Village.....
- Patwar Circle.....
- P.O.....
- Tehsil.....
- District.....
- 2.3 Sub-Division Office (Civil)
- Sub-Division Office (Forest)..... Range office.....
- Sub-Division Office (IPH)
- Sub-Division Office (PWD)
- 2.4 Distance from Important places in Kms.
- 1.
- 2.
- 3.
- 2.5 Approach of the area
- 2.6 Detail of the area, Revenue record to be appended in the following format:-

Sr. No.	Detail of area					
1.	Kh. No.	Owner	Kism	Mauza	Area	Panchayat
2.						

3. Detail of land use and social aspect of area

- 3.1. Land use :
- 3.2. Agriculture :
- 3.3. Horticulture :
- 3.4. Animal husbandry :
- 3.5. Fisheries :

4. Flora and fauna of the area

5. Physiographical aspect of the area

- 5.1. General :
- 5.2. Altitude :
- 5.3. Climate of the area :
- 5.4. Rainfall of the area :
- 5.5. Any other important physical feature :

6. Description of Mining Lease Area**6.1. Description of the River/Stream bed on which the lease area is situated (in case of River/Stream bed mining)**

- 6.1.1. General :
- 6.1.2. Name of river/stream in which the lease area is situated :
- 6.1.3. Drainage system :
- 6.1.4. Type of drainage :
- 6.1.5. Origin of river/stream :
- 6.1.6. Altitude at origin :
- 6.1.7. Width of river at the place of mining :
- 6.1.8. The annual deposition on river/stream bed :
- 6.1.9. The competency of river/stream at the mining site (i.e the weight of largest fragment which is transported by stream/river)

(Attach a map showing boundaries of the mining lease, adjoining area, point of public utility in the area/nearby village footpath, road, school, residential house, hospital, cattle shed, charitable building, water channel, cemetery/cremation ground, place of worship etc., any activity of the forest department in the area such as soil conservation works, nursery plantation, check dams, taming of nallas/stream etc., type of road viz National Highway, State Highway, link road, village road, any bridge, any water supply scheme, such as water supply tank, water supply bore well, Irrigation canal, water supply scheme gallery etc., boundary of nearby lease area, if any, the area susceptible to erosion and any other important feature).

Meandering pattern of the river, including:-

the level of High Flood Level :

the level of Low Flood Level :

the thread of deepest water in the meandering :

6.2. Description of the area in which the lease area is situated (In case of hill slope mining)

- 6.2.1. General :
- 6.2.2. Slope angle :
- 6.2.3. Aspect :
- 6.2.4. Type of drainage in the area, if any :
- 6.2.5. Origin of river/stream in the area, if any :
- 6.2.6. The area prone to land slide, if any :
- 6.2.7. Spring, if any :
- 6.2.8. Any other details:

(Attach a map showing boundaries of the mining lease, adjoining area, point of public utility in the area/nearby village footpath, road, school, residential house, hospital, cattle shed, charitable building, water channel, cemetery/cremation ground, place of worship etc., any activity of the forest department in the area such as soil conservation works, nursery plantation, check dams, taming of nallas/stream etc., type of road viz National Highway, State Highway, link road, village road, any bridge, any water supply scheme, such as water supply tank, water supply bore well,

Irrigation canal, water supply scheme gallery etc., boundary of nearby lease area, if any, the area susceptible to erosion and any other important information).

7. **Geology (in case of river/stream bed mining)**

- 7.1. The Regional Geology of the area :
- 7.2. Local Geology of the area :
- 7.3. The nature of boulders, cobbles, Sand etc. :
- 7.4. The nature of rock of the bank and their attitude :

(A geological map of the area with appropriate scale of mapping, showing pitting, trenching etc to be annexed)

- 7.5. Estimate of geological and mineable reserve of each mineral i.e. Sand, Stone, River borne bajri:
- 7.6. Estimated replenishment of the area mineral wise :
- 7.7. Development and production programme for the first five years including precaution to be observed to prevent haphazard excavation, over exploitation, scattering of waste, if any.

(Year wise plan of excavation to be annexed)

7. **Geology (in case of Hill Slope Mining)**

- 7.1. The Regional Geology of the area :
- 7.2. The Local Geology of the area :
- 7.3. The joint/thrust plane etc. :
- 7.4. The nature of rocks and their attitude :

(A geological map of the area with appropriate scale of mapping, showing pitting, trenching etc. to be annexed)

- 7.5. Estimates of geological reserve of each mineral along with grade under proved, probable and possible category and mineable reserve by standard method of estimation supported by analytical reports :
- 7.6. Development and production programme for the first five years including precaution to be observed to prevent haphazard excavation, over exploitation, scattering of waste, if any :

(Year wise plan of excavation to be annexed)

8. **Waste disposal arrangement, if any**

Describe briefly the arrangements made for top soil utilization, if any, waste disposal along with their respective quantity likely to be generated for the five years indicating location on the maps.

9. **Reclamation Plan**

Describe briefly the year wise reclamation and replenishment plan, giving details of proposed plantation program to be marked on the relevant maps with estimated cost of reclamation.

10. Strategy for protection of point of public utility etc.

Describe briefly the strategy for protection of point of public utility in the lease and its adjoining areas such as village footpath, road, school, residential house, hospital, cattle shed, charitable building, water channel, cemetery/cremation ground, place of worship including any activity of the forest department in the area such as soil conservation works, nursery plantation, check dams, taming of nallas/stream etc, type of road viz National Highway, State highway, link road, village road, any bridge any water supply scheme, such as water supply tank, water supply bore well, Irrigation canal, water supply scheme gallery etc. boundary of nearby lease area, if any, the area susceptible to erosion and any other important features which shall be marked on the relevant maps.

11. Manpower Development

Give average daily employment

12. Use of mineral

Describe the utilization of mineral and the type of industry

13. Any other relevant information**14. Certificate**

Certified that the provisions of the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971 and other guidelines issued from time to time in this regard have been observed in the Working — cum- Environment Management Plan of.....quarry of M/S

The information provided and the data furnished in this Working –cum-Environment Management Plan is correct to the best of my knowledge.

Date
Place

Signature of RQP
Registration No.
Address of the RQP

15. Declaration

This is to declare that the Working-cum-Environment Management Plan of..... Quarry, over an area of bigha/ hectare/Kanal, situated in Kh.No....., Mauza..... District H.P., has been prepared with my consent and approval and that I shall abide by all commitment thereunder. In case of default on my/our part, the approval of Working–cum-Environment Management Plan may be withdrawn.

Date ..
Place :

Signature of the lessee
Name and address.”.

By order,
Sd/-
Principal Secretary (Inds.).

मुकद्दमा नम्बर : 5/2012

तारीख मरजुआ : 2-4-2011

ब मुकद्दमा शीर्षक :

श्रीमती शीला देवी विधवा श्री नानक चन्द, निवासी चतरोखरी, तहसील सुन्दरनगर, जिला मण्डी (हि0 प्र0) . . प्रार्थी।

बनाम

आम जनता

. . प्रतिवादी।

प्रार्थना-पत्र बाबत दुरुस्ती इन्द्राज बारे।

सर्वसाधारण को सूचित किया जाता है कि श्रीमती शीला देवी विधवा श्री नानक चन्द, निवासी चतरोखरी, तहसील सुन्दरनगर, जिला मण्डी (हि0 प्र0) ने इस कार्यालय में प्रार्थना-पत्र गुजारा है कि राजस्व अभिलेख मुहाल सुन्दरनगर 26-8 की नकल जमाबन्दी खाता नं0 773/989, खसरा नं0 5603-2603, रकवा तादादी 354 वर्ग मी0 में गैर मुमकिन मकान एक मंजिला पक्का दर्ज है जबकि मौका पर उक्त खसरा नं0 खाली है। अब आवेदिका खसरा नं0 5603/2603 में लगे गैर मुमकिन मकान एक मंजिला पक्का के स्थान पर जायज सफेद करवाना चाहती है।

अतः इस इशतहार राजपत्र के माध्यम से आम जनता को सूचित किया जाता है कि खसरा नं0 5603/2603 रकवा तादादी 354 वर्ग मी0 में गैर मुमकिन मकान एक मंजिला पक्का है की दुरुस्ती बारे अगर किसी को कोई भी उजर/एतराज हो तो वह दिनांक 12-6-2012 को सुबह 10.00 बजे असालतन या वकालतन हाजिर अदालत आकर अपना उजर/एतराज पेश कर सकते हैं। हाजिर न आने की सूरत में एकतरफा कार्यवाही अमल में लाई जाकर दुरुस्ती के आदेश पारित कर दिए जाएंगे।

आज दिनांक 2-4-2012 को मेरे हस्ताक्षर व मोहर सहित अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-

सहायक समाहर्ता, प्रथम श्रेणी,
सुन्दरनगर, जिला मण्डी (हि0 प्र0)।

ब अदालत श्री एम0 एल0 भार्गव, सहायक समाहर्ता, द्वितीय श्रेणी, उप-तहसील कोटली,
जिला मण्डी (हि0 प्र0)

ब मुकद्दमा शीर्षक :

श्री किशन चन्द उपनाम चुहड़ा राम पुत्र फागणू निवासी कोटली, ईलाका तुंगल, उप-तहसील कोटली, जिला मण्डी (हि0 प्र0) . . प्रार्थी।

बनाम

आम जनता

प्रार्थना-पत्र नाम दुरुस्ती राजस्व अभिलेख।

श्री किशन चन्द उपनाम चुहड़ा राम पुत्र फागणू निवासी कोटली, ईलाका तुंगल, उप-तहसील कोटली, जिला मण्डी (हि० प्र०) ने इस अदालत में इस आशय से प्रार्थना-पत्र गुजारा है कि मेरा वास्तविक नाम किशन चन्द उपनाम चुहड़ा राम है। जोकि पंचायत अभिलेख में दर्ज है। परन्तु राजस्व अभिलेख में मेरा नाम किशन चन्द पुत्र श्री फागणू दर्ज हुआ है। राजस्व अभिलेख मुहाल घरवाण व कोटली में मेरा नाम किशन चन्द की जगह किशन चन्द उपनाम चुहड़ा राम दर्ज करने के आदेश दिए जावें।

अतः सर्वसाधारण जनता को बजरिया राजपत्र इश्तहार के माध्यम से सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त नाम दुरुस्ती बारा कोई उजर/एतराज हो तो वह असालतन या वकालतन दिनांक 9-7-2012 या इससे पूर्व इस अदालत में हाजिर होकर पेश कर सकता है अन्यथा उक्त नाम के आदेश दे दिए जाएंगे।

आज दिनांक 29-5-2012 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एम० एल० भार्गव,
सहायक समाहर्ता, द्वितीय श्रेणी,
उप-तहसील कोटली, जिला मण्डी, हिमाचल प्रदेश।

ब अदालत सहायक समाहर्ता द्वितीय श्रेणी एवं नायब तहसीलदार, सन्धोल, जिला मण्डी, हिमाचल प्रदेश

उनवान मुकद्दमा : नाम दुरुस्ती।

तारीख पेशी : 14-6-2012

श्री गंगा राम पुत्र श्री डिडो राम, निवासी ललाणा, डाकघर मढ़ी, तहसील सन्धोल, जिला मण्डी (हि० प्र०) . . प्रार्थी।

बनाम

आम जनता

. . फरीकदोयम।

श्री गंगा राम ने इस अदालत में शपथ-पत्र सहित मुकद्दमा दायर किया है कि मुहाल ललाणा, तहसील सन्धोल के राजस्व अभिलेख में मेरा नाम गंगू लिखा गया है जो गलत है मेरा वास्तविक नाम गंगा राम है। इसकी दुरुस्ती के आदेश चाहे हैं।

अतः इस इश्तहार द्वारा आम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त नाम दुरुस्ती करने बारा कोई उजर व एतराज हो तो वह असालतन या वकालतन तारीख पेशी दिनांक 14-6-2012 को सुबह 10.00 बजे हाजिर अदालत होकर अपना उजर पेश कर सकता है। बसूरत गैर-हाजरी एकतरफा कार्यवाही अमल में लाई जाकर नाम दुरुस्ती करने का आदेश पारित कर दिया जाएगा।

यह इश्तहार आज दिनांक 16-5-2012 को मेरे हस्ताक्षर व मोहर सहित अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—
सहायक समाहर्ता द्वितीय श्रेणी एवं नायब तहसीलदार,
सन्धोल, जिला मण्डी, हिमाचल प्रदेश।

**In the Court of Shri Nazir Khan Executive Magistrate (Naib-Tehsildar), Sandhole, District
Mandi, Himachal Pradesh**

Case No.

Date of Institution : 16-5-2012

Shri Hem Raj s/o Late Shri Shanker Dass, Village Bahan, P.O. Kothuwan, Tehsil Sandhole,
District Mandi, Himachal Pradesh . . *Applicant.*

Versus

General public

Application under section 13(3) of Birth and Death registration Act, 1969.

Shri Hem Raj has moved an application before the undersigned under section 13(3) of Birth and death registration Act, 1969 along with affidavits and other documents that his real brother late Shri Devi Singh s/o late Shanker Dass, r/o Bahan P.O. Kothuwan died on 20th November, 1968 at Village Bahan, P.O. Kothuwan, Tehsil Sandhole District Mandi (H. P.) but his date of death could not registered by the applicant in the Gram Panchayats death record, Kothuwan, Tehsil Sandhole, District Mandi, Himachal Pradesh.

Therefore by this proclamation the general public is hereby informed that any person having any objection for the registration of date of death of late Shri Devi Singh s/o Shri Shanker Dass, Village Bahan, P.O. Kothuwan, Tehsil Sandhole, District Mandi and Brother of applicant may submit his objection in writing in this court on or before 16-6-2012 at 10.00 A.M. failing which no objection will be entertained after *expiry* of date.

Given under my hand and seal of the court this 16th May, 2012.

Seal.

NAZIR KHAN,
*Executive Magistrate (Naib-Tehsildar), Sandhole,
District Mandi, Himachal Pradesh.*

**In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Sadar Mandi,
District Mandi, Himachal Pradesh**

In the matter of :

1. Shri Bhartendu Sharma s/o Shri Aim Chand Sharma, r/o House No. 247/13, Paddal, Mandi Town, District Mandi (H. P.).
2. Smt. Kalpna Sharma d/o Shri H. L. Sharma, r/o H. No. 86/3, Jail Road, Mandi Town, District Mandi (H. P.) [at present wife of Shri Bhartendu s/o Shri Aim Chand Sharma, r/o House No. 247/13, Paddal, Mandi Town, District Mandi (H. P.)] . . *Applicants.*

Versus

General public

Subject.—Application for the registration of marriage under section 15 of Special Marriage Act, 1954.

Shri Bhartendu s/o Shri Aim Chand Sharma, r/o House No. 247/13, Paddal, Mandi Town, District Mandi (H. P.) and Smt. Kalpna Sharma d/o Shri H. L. Sharma, r/o H. No. 86/3, Jail Road, Mandi Town, District Mandi (H. P.) [at present wife of Shri Bhartendu Sharma s/o Shri Aim Chand Sharma, r/o House No. 247/13, Paddal, Mandi Town, District Mandi (H. P.)] have filed an application alongwith affidavits in the court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 21-10-2000 according to Hindu rites and customs Mandi Town, District Mandi (H. P.) and they are living together as husband and wife since then, hence their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing before this court on or before 26-6-2012 after that no objection will be entertained and marriage will be registered.

Issued today on 26th day of May, 2012 under my hand and seal of the court.

Seal.

Sd/-

*Marriage Officer-cum-Sub-Divisional Magistrate,
Sadar Mandi, District Mandi (H. P.).*

**In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Sadar Mandi,
District Mandi, Himachal Pradesh**

In the matter of :

1. Shri Pankaj Dhawan s/o Shri Ashok Dhawan, r/o House No. 314/4, School Bazar, Mandi Town, District Mandi (H. P.).
2. Smt. Divya d/o Shri R. S. Kapoor, r/o H. No. 18/8, Bangla Muhalla, Mandi Town, District Mandi (H. P.) [at present wife of Shri Pankaj Dhawan s/o Shri Ashok Dhawan, r/o House No. 314/4, School Bazar, Mandi Town, District Mandi (H. P.)].. *Applicants.*

Versus

General public

Subject.—Application for the registration of marriage under section 15 of Special Marriage Act, 1954.

Shri Pankaj Dhawan s/o Shri Ashok Dhawan, r/o House No. 314/4, School Bazar, Mandi Town, District Mandi (H. P.) and Smt. Divya d/o Shri R. S. Kapoor, r/o H. No. 18/8, Bangla Muhalla, Mandi Town, District Mandi (H. P.) [at present wife of Shri Pankaj Dhawan s/o Shri Ashok Dhawan, r/o House No. 314/4, School Bazar, Mandi Town, District Mandi, H. P.] have filed an application alongwith affidavits in the court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 22-10-2000 according to Hindu rites and customs at Arya Samaj Temple, Mandi Town, District Mandi, H. P. and they are living together as husband and wife since then, hence their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing before this

court on or before 30-6-2012 after that no objection will be entertained and marriage will be registered.

Issued today on 31st day of May, 2012 under my hand and seal of the court.

Seal.

Sd/-

*Marriage Officer-cum-Sub-Divisional Magistrate,
Sadar Mandi, District Mandi (H. P.).*

ब अदालत कार्यकारी दण्डाधिकारी, सदर, जिला मण्डी, हिमाचल प्रदेश

श्री दुर्गा सिंह पुत्र श्री शंकर राम, निवासी रौ, डा0 दयारगी, तहसील सदर, जिला मण्डी, हिमाचल प्रदेश . . वादी।

बनाम

आम जनता

. . प्रतिवादी।

प्रार्थना—पत्र दुरुस्ती नाम राजस्व अभिलेख।

प्रार्थी ने इस अदालत में शपथ—पत्र सहित प्रार्थना—पत्र गुजारा है कि उसका नाम पंचायत अभिलेख में दुर्गा सिंह दर्ज है, जोकि सही दर्ज है, जबकि राजस्व अभिलेख में नकविन्ह दर्ज है, जोकि गलत दर्ज है, महोदय मेरा नाम राजस्व अभिलेख में दुरुस्त किया जावे।

अतः आम जनता को इस इश्तहार द्वारा सूचित किया जाता है कि वादी के नाम की दुरुस्ती करने बारा कोई उजर या एतराज हो तो वह दिनांक 11-6-2012 को सुबह 10.00 बजे असालतन या वकालतन हाजिर अदालत पेश हो। गैर—हाजिरी की सूरत में कार्यवाही एकतरफा अमल में लाई जावेगी।

आज दिनांक 18-5-2012 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—
कार्यकारी दण्डाधिकारी,
सदर, जिला मण्डी, हिमाचल प्रदेश।

ब अदालत कार्यकारी दण्डाधिकारी, सदर, जिला मण्डी, हिमाचल प्रदेश

श्री गगनेश कुमार पुत्र श्री शिव राम, निवासी गांव टिक्कन, डा0 वरधान, तहसील पधर, जिला मण्डी, हिमाचल प्रदेश . . वादी।

बनाम

आम जनता

. . प्रतिवादी।

प्रार्थना—पत्र दुरुस्ती नाम राजस्व अभिलेख।

प्रार्थी ने इस अदालत में शपथ—पत्र सहित प्रार्थना—पत्र गुजारा है कि उसका नाम पंचायत अभिलेख में गगनेश कुमार दर्ज है, जोकि सही दर्ज है, जबकि राजस्व अभिलेख में गनेश दत्त दर्ज है, जोकि गलत दर्ज है, महोदय मेरा नाम राजस्व अभिलेख में दुरुस्त किया जावे।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है कि वादी के नाम की दुरुस्ती करने बारा कोई उजर या एतराज हो तो वह दिनांक 11-6-2012 को सुबह 10.00 बजे असालतन या वकालतन हाजिर अदालत पेश हो। गैर-हाजिरी की सूरत में कार्यवाही एकतरफा अमल में लाई जावेगी।

आज दिनांक 11-5-2012 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी,
सदर, जिला मण्डी, हिमाचल प्रदेश।

ब अदालत कार्यकारी दण्डाधिकारी, सदर, जिला मण्डी, हिमाचल प्रदेश

श्री जोगिन्द्र सिंह पुत्र श्री गोपी राम, निवासी जनेठ, डा0 मराथू, तहसील सदर, जिला मण्डी, हिमाचल प्रदेश . . वादी।

बनाम

आम जनता

. . प्रतिवादी।

प्रार्थना-पत्र दुरुस्ती नाम राजस्व अभिलेख।

प्रार्थी ने इस अदालत में शपथ-पत्र सहित प्रार्थना-पत्र गुजारा है कि उसका नाम पंचायत अभिलेख में जोगिन्द्र सिंह दर्ज है, जोकि सही दर्ज है, जबकि राजस्व अभिलेख में जोगिन्द्र कुमार दर्ज है, जोकि गलत दर्ज है, महोदय मेरा नाम राजस्व अभिलेख में दुरुस्त किया जावे।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है कि वादी के नाम की दुरुस्ती करने बारा कोई उजर या एतराज हो तो वह दिनांक 8-6-2012 को सुबह 10.00 बजे असालतन या वकालतन हाजिर अदालत पेश हो। गैर-हाजिरी की सूरत में कार्यवाही एकतरफा अमल में लाई जावेगी।

आज दिनांक 11-5-2012 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी,
सदर, जिला मण्डी, हिमाचल प्रदेश।

ब अदालत सहायक समाहर्ता, द्वितीय श्रेणी, सदर, जिला मण्डी, हिमाचल प्रदेश

ब मुकद्दमा :

श्री प्रेम चन्द उर्फ प्रेम सिंह उर्फ प्रेमू पुत्र श्री हरी सिंह, निवासी लुहारड़ी, डा0 दसेहड़ा, तहसील सदर, जिला मण्डी, हिमाचल प्रदेश . . वादी।

बनाम

आम जनता

. . प्रतिवादी।

दरखास्त बराए नाम दुरुस्ती बारे।

आवेदक ने इस न्यायालय में आवेदन-पत्र गुजारा है कि उसका नाम राजस्व अभिलेख में प्रेमू दर्ज है, जोकि गलत दर्ज है, जबकि पंचायत अभिलेख में प्रेम सिंह दर्ज है, जोकि सही दर्ज है, महोदय मेरा नाम राजस्व अभिलेख में दुरुस्त किया जावे।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है कि वादी के नाम की दुरुस्ती करने बारा यदि किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 15-6-2012 को सुबह 10.00 बजे असालतन या वकालतन हाजिर हो अन्यथा कार्यवाही एकतरफा अमल में लाई जावेगी।

आज दिनांक 18-5-2012 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—
सहायक समाहर्ता, द्वितीय श्रेणी,
सदर, जिला मण्डी, हिमाचल प्रदेश।

Office of the Sub-Registrar of Marriages (Tehsildar), Sadar Mandi, District Mandi (H. P.)

NOTICE

Notice is hereby given that Shri Manik Behal s/o Shri Bharat Bhushan, r/o Village. H. No. 207/10, Thanehra Mohalla Mandi and Smt. Simmi d/o Shri Sansar Chand, r/o Bharoli, Tehsil Jawalaji, District Kangra (at present wife of Shri Manik Behal) have filed an application alongwith affidavits in this office under section 4 of the H. P. Registration of Marriages Rules, 2004 that they have solemnized their marriage on dated 24-4-2012 and are living together as husband and wife since then, but the marriage has not been registered with the Local Registrar of Marriages till date, hence necessary orders for registration of their marriage (after 90 days and within one year of marriage as delayed registration) under section 4 of the H. P. Registration of Marriages Rules, 2004 may be issued to the Local Registrar of Marriages.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing in this office on or before 15-6-2012 after that no objection will be entertained and necessary orders for the registration of marriage will be issued accordingly.

Seal.

Sd/-
*Sub-Registrar of Marriages (Tehsildar),
Sadar, District Mandi (H. P.).*

LOCAL AUDIT DEPARTMENT

NOTIFICATION

Shimla-171009, the, 05-06-2012

No.1-41/68- Fin (L.A.) Vol-2-4503.—In partial modification of this notification of even number dated 14-2-2008 and in exercise of the powers vested in me vide Rule 1.26 of the Himachal Pradesh Financial Rules, 1971-Vol-I read with H.P. Govt. Finance (Regulation) Department Notification No.Fin(C)A(2)-2/99 dated 20-9-99 Shri Des Raj Chauhan, Section Officer, Local Audit Department, Himachal Pradesh, is hereby delegated the power of Drawing and Disbursing

Officer in respect of Head of Accounts mentioned below with the immediate effect till further order:-

- i. 2054-Tresury and Accounts Administration
098-Local Fund Audit
01-Local Fund Audit Organization.
12-Professional and Special Services.
- ii 2235-Social security and Welfare
200-Other Scheme
11-reimbursement of Medical Expenses to pensioner other charges.
- iii 8658-Suspense Accounts.
- iv 2071-Pension and other retirement benefit
104-Gratuities of Himachal Pradesh Government.
- v 7610-Loans to Government servants,
201-House Building Advance
208-Motor Vehicle advance
800-Other Advance
01-Advance to Government Servants
001-Loan to Government servants to purchase warm cloths.
- vi 8009-State Provident Fund
101-Gernal Provident Fund
- vii 2059-Public Works
01-Office Building
053-Maintenance and Repair
39-Maintenance Exp. of Local Audit Department
- viii 8011-Insurance and Pension Fund
107-H.P.Govt. Employees Group Insurance Scheme
02-Saving Fund/Insurance Fund

By order,
Sd/-

*Special Secretary (Finance)-cum-Director,
Local Audit Department.*

ENVIRONMENT, SCIENCE AND TECHNOLOGY DEPARTMENT

NOTIFICATION

Shimla-2, the 06-06-2012

No. STE-A(3)-6/2005-I.—In compliance to the instructions issued by the Principal Secretary (AR) to the Government of Himachal Pradesh vide letter No. PER (AR) F(7)-2/98-Vol.I dated 16-05-2012 , the Governor, Himachal Pradesh is pleased to nominate the Additional Secretary (Environment, Science & Technology) to the Government of Himachal Pradesh as Nodal Officer for the purpose of implementation of Right to Information Act, 2005.

By order,
Sd/-

Chief Secretary.

लोक निर्माण विभाग

अधिसूचना

शिमला-2, 6-6-2012

संख्या:पी.बी.डब्ल्यू(बी)एफ (5)24/2011.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव डी0पी0एफ0 ट्रैच्छ/49, उप-तहसील निहरी, जिला मण्डी में पण्डार-ततापानी सड़क के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है, अतएव एतद् द्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भू-अर्जन अधिनियम, 1894 की धारा-4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उस धारा द्वारा अपेक्षित अथवा अनुमतः अन्य सभी कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी हितबद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के 30 दिनों की अवधि के भीतर से भू-अर्जन समाहर्ता, लोक निर्माण विभाग, मण्डी, हिमाचल प्रदेश के समक्ष लिखित आपत्तिदायर कर सकता है।

विवरणी

जिला	तहसील	गांव	खसरा नम्बर	क्षेत्र (बीघा-विस्वा) में
मण्डी	करसोग	डी0पी0एफ0 ट्रैच्छ/49	133	0-07-19
			134	0-05-12
			135/1	0-01-02
			139/1	0-03-01
			169/1	0-00-18
			170/1	0-18-01
			171/1	0-00-12
			175/1	1-01-02
			177/1	1-06-19
			380/1	0-10-16
			382/1	0-02-03
			383/1	0-01-12
			396/1	0-04-17
			402/1	0-04-09

			403 / 1	0-03-03
			404 / 1	0-15-10
			405 / 1	0-05-14
			406 / 1	0-01-00
			407 / 1	0-01-14
			425 / 1	0-04-16
			434 / 1	0-04-16
		कुल जोड	किता-21	07-02-04

आदेश द्वारा

सचिव(लोक निर्माण)

**IN THE COURT OF D.K SHARMA, PRESIDING JUDGE, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHIMLA, (H.P).**

Ref No. 42 of 2009.

Instituted on. 15/6/2009.

Decided on 21/9/2011.

Ram Lal S/o Shri Mathu Ram R/o Village Chaiwan, P.O Kakarhati, Tehsil & District Solan,
H.P

...Petitioner.

Vs.

The Manager, Solan District Co-operative Marketing and Consumer Federation Ltd.
Saproon, District Solan, H.P.

...Respondent.

Reference under section 10 Industrial Disputes Act, 1947.

For petitioner : Shri J.C Bhardwaj, AR.**For respondent :** Shri Daya Ram, AR.**AWARD**

The following reference has been received from appropriate government for adjudication:-

***“Whether the termination of services of Shri Ram Lal s/o Shri Mathu Ram, Salesman
w.e.f. 16/5/2007 by the Manager, The Solan District Co-operative marketing & Consumer
Federation Ltd. Saproon, District Solan, H.P without holding any enquiry and without***

complying with orders dated 11/8/2005 passed by the Deputy Registrar, Co-operative Societies, Eastern Division, Shimla H.P is legal and justified? If not, what back wages, seniority, service benefits and relief Shri Ram Lal S/o Shri Mathu Ram, salesman is entitled to?"

2. It is averred that the petitioner was appointed as Assistant salesman with the respondent federation during August, 1989 and promoted as salesman. The petitioner had completed 240 days in a calendar year for the application of section 25-F of the Industrial disputes Act, 1947. The petitioner was served with the chargesheet on 27/1/2005 for misappropriation of funds. The services of the petitioner were terminated by the respondent vide order dated 31/3/2005 without holding proper enquiry. The Deputy Registrar, Cooperative Societies Eastern Division, Shimla on appeal granted interim directions on 3/5/2005 staying the operation of termination order. The respondent did not allow the petitioner to resume duties. The termination order was quashed and set aside per order dated 11/8/2005 with a direction to reinstate the petitioner and initiate fresh enquiry on each article of charge. The joining report of the petitioner was not again accepted. The review petition filed by the Manager of the Federation was also dismissed on 30/11/2005 by the Deputy Registrar, Co-operative Society, Shimla. The respondent did not comply with the order dated 11/8/2005 passed by the Registrar, Co-operative Society, Shimla and issued memorandum on 19/4/2007 in which it was mentioned that the Board of Directors had reached at a decision to impose punishment of dismissal from service of the petitioner with effect from 31/3/2005 retrospectively. The respondent Federation despite representation terminated the services of the petitioner with effect from 16/5/2007 illegally. The manager of the Federation also lodged FIR at police Station Solan alleging that amount of Rs. 49,018/- had been misappropriated wherein in the chargesheet the misappropriated amount was mentioned as Rs. 1,04,646/-. The respondent Federation had recovered Rs. 1,31,645/-, that is, excess amount of Rs. 82,627/- from the petitioner. The petitioner filed a petition under section 72 of the H.P Co-operative Societies Act to the Registrar, Co-operative Societies and Additional Registrar (Admn.) observed that the petition was time barred and he failed in filing regular appeal under the service rules before competent authority. The appeal was dismissed on 2/1/2008. The review petition filed under section 94 of H.P Co-operative Societies Act before Joint Secretary Corporation was withdrawn in view of the bar of rule 23 of the service rules of the Solan District Co-operative, Marketing and Consumer Federation Ltd., Solan by reserving the right to approach the appropriate forum and as such has filed claim.

3. The claim is opposed by the respondent on legal objections about relationship of employee and employer between the parties and jurisdiction. On merits, it is stated that there is no relationship of employee and employer between petitioner and respondent. The dispute was initially raised against the respondent in his individual capacity but not against the Solan District Co-operative marketing and Consumer Federation Ltd., Solan. The reference notified by the State Government also indicates that the dispute is directed against the respondent in his individual capacity and not against the Federation. The petitioner has mischievously omitted the respondent's name before the Tribunal and has unbecomingly indicated the Federation as respondent through its manager. There was no Industrial Dispute under section 2(k) nor retrenchment under section 2(oo) of the Act. The petitioner has opted to choose his statutory remedy under H.P Co-operative Societies Act, 1968 in a punishment inflicted by way of disciplinary action.

4. In rejoinder, the petitioner controverted the assertions made in the reply and reaffirmed the averments of the petition.

5. On the pleadings of the parties, following issues were framed:-

1. Whether the termination of the services of the petitioner by the respondent without holding any enquiry and without complying with the order dated

11/8/2005 passed by the Deputy Registrar, Cooperative Societies, Eastern Division, Shimla, H.P is illegal and unjustified as alleged? OPP....

2. If issue no.1 is proved, to what back wages, seniority, service benefits and relief, the petitioner is entitled to? OPP....

3. Whether there is no relationship of employee and employer between the parties as alleged? OPR.....

4. Whether the claim is not maintainable? OPR...

5. Relief.

6. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:

Issue no.1 Yes.
 Issue no.2 Entitled for reinstatement with seniority and continuity in service with twenty five percent back wages.
 Issue no.3 No.
 Issue no.4 No.
 Relief. Reference answered in affirmative per operative part of award.

Reasons for findings

Issue no.1.

8. Shri J.C Bhardwaj, AR for the petitioner has argued with vehemence that the enquiry has been conducted in violation of the principles of natural justice and without affording opportunity of being heard to the petitioner. It was urged that the order of dismissal was set aside in appeal and the petitioner was ordered to be reinstated in service. It was further submitted that the petitioner was not allowed to join duties and again order terminating the services of the petitioner without conducting enquiry was passed illegally. The AR maintained that the petitioner was entitled to reinstatement in service with all consequential benefits.

9. Shri Daya Ram, AR for respondent has submitted that the petitioner had misappropriated funds. It was urged that after due enquiry, the services of the petitioner were terminated. It was further maintained that the charges against the petitioner were grave and his services were again terminated by the respondent Federation. The argument has also been advanced that the petitioner Ram Lal had served notice on the Manager of the Federation without serving any notice on the Federation, therefore, the petition was also not maintainable.

10. On appraisal of the order dated 11/8/2005 passed by the Deputy registrar, Co-operative Societies, Shimla it is apparent from paras 35, 36 and 37 that the enquiry was held to be illegal as being devoid of reasons and against the principles of natural justice. Reference may be made to para 35, 36 and 37 of the order which are as follows:

35“ The Enquiry Officer in his report has neither submitted the detailed findings on each articles of charge nor the copy of the enquiry report has been supplied to the

delinquent officials by disciplinary authority to afford him opportunity of being heard as per requirement of ibid rule/law”.

36” The management of the respondent federation society on the basis of the admission of charges by delinquent official decided to award major penalty without affording him opportunity of being heard as required under rules and principles of natural justice. The copy of the enquiry report before imposing major penalty was not provided to the delinquent official despite request made which amounts to violation of conduct rules and principle of natural justice and denying opportunity of being heard. It is settled law laid in a case Natwar-bhai. S. Makwana Vs. Union Bank of India and others (1985) Lab. IC. 422 that admission of charges on coercion/inducement where in sufficient detail in charge sheet not given and penalty imposed on concession is not proper.”

37” It is settled provisions of law that disciplinary proceedings by the department are in the nature of quasi criminal proceedings much more so from the view point of consequences of such proceedings. An employee visited with penalty of removal/dismissal from service (as done in the instant case) which would be amount equivalent to economic death sentence. Therefore, proof of the facts constituting misconduct has got to be emphasized. Ordinarily admission alone of an delinquent official cannot be regarded as sufficient proof of misconduct as well as the facts constituting misconduct.”

11. The review petition filed by the respondent federation before the Registrar came to be assigned to Dy. Registrar Co-operative Societies, Eastern Division which also came to be dismissed per order dated 30/11/2006 vide copy Ex. P-10.

12. The Deputy Registrar per final order dated 11/8/2005 observed as follows:-

“In view of the observation made herein above, the instant petition is allowed and the order of termination dated 31/3/2005 of respondent no.3 is quashed and set aside. A fresh enquiry on each article of charge shall be instituted to afford due opportunity of being heard and shall be completed within two months from the receipt of this order by respondent federation and take appropriate action accordingly keeping in view the gravity of charges proved. The stay order dated 3/5/2005 is accordingly vacated with a direction that the status quo as on 31/3/2005 shall be restored. No order as to cost.”

13. The aforesaid order makes it clear that after setting aside the order, the petitioner was reinstated in service with effect from 31/3/2005. The petitioner submitted his joining report vide Ex. P-8 on 11/8/2005 and the respondent federation did not allow the petitioner to join as is evident from letter Ex. P-9 dated 27/8/2005 and instead of holding a fresh enquiry, as directed, the respondent federation issued a show cause notice to the petitioner on the basis of proceedings already held as is evident from Ex. P-18, copy of letter dated 19/8/2007 and the respondent dismissed the petitioner from service with effect from 16/5/2007 per letter Ex. P-20. The respondent did not comply with the directions of the appellate authority, therefore, the order to terminate the services of the petitioner is illegal.

The petition filed by the petitioner against the order dated 16/5/2007 was dismissed by the Additional Registrar (Admn.) vide Ex. P-17, copy of order dated 2/1/2007 as barred by limitation and being not maintainable under section 72 of the H.P Co-operative societies Act and the review petition filed by the petitioner was also allowed to be dismissed as withdrawn by the Joint Secretary (Coop.), vide order dated 6/11/2008 copy of which is Ex. P-22.

14. The matter is a service matter and the reference against un-lawful dismissal falls squarely within the jurisdiction of this Court. Reference may be made to the decision reported in **(2006) 6 S.C 80 titled as Morinda Coop. Sugar Mills Ltd. Vs. Morinda Coop. Sugar Mills Workers Union** wherein in a case under Punjab Co-operative Societies Act, 1961, after making reference to section 55 and 79 of the Act and pronouncements of the Apex Court in **Deccan Merchants Co-operative Bank Ltd. v. M/s. Dalichand Jugraj Jain (1969 (1) SCR 887) and Co-operative Central Bank Ltd. and others etc. v. Additional Industrial Tribunal, Andhra Pradesh, Hyderabad and others etc. [1969 (2) SCC 43]**. it was held that dispute relating to alterations of a number of conditions of service of the workman would not be covered by the expression "touching the business of the society". Apex Court observed as follows:

"Applying these tests, we have no doubt at all that the dispute covered by the first issue referred to the Industrial Tribunal in the present cases could not possibly be referred to decision to the Registrar under Section 61 of the Act. The dispute related to alterations of a number of conditions of service of the workmen which relief could only be granted by an Industrial Tribunal dealing with an industrial dispute. The Registrar, it is clear from the provisions of the Act, could not possibly have granted the reliefs claimed under this issue because of the limitations placed on his powers in the Act itself. It is true that Section 61 by itself does not contain any clear indication that the Registrar cannot entertain a dispute relating to alteration of conditions of service of the employees of a registered society: but the meaning given to the expression "touching the business of the society". In our opinion, makes it very doubtful whether a dispute in respect of alteration of conditions of service can be held to be covered this expression. Since the word "business" is equated with the actual trading or commercial or other similar business activity of the society, and since it has been held that it would be difficult to subscribe to the proposition that whatever the society does or is necessarily required to do for the purpose of carrying out its objects, such as laying down the conditions of service of its employees, can be said to be a part of its business, it would appear that a dispute relating to conditions of service of the workmen employed by the society cannot be held to be a dispute touching the business of the society."

15. The ratio of aforesaid decision makes it evident that dispute is adjudicable by this Tribunal. The order terminating the services of the petitioner as is established from the order of Deputy Registrar makes it evident that order was illegal. Once these findings came to be recorded, it is evident that the respondent federation should have produced the record of enquiry to rebut the conclusion. However, the report of the enquiry officer has not been adduced in evidence. Therefore, the order terminating the services of the petitioner is also not sustainable on this score and is liable to be set aside.

16. The allegation against the petitioner was misappropriation of funds and sale proceeds of federation. The allegation without record could not have been substantiated. The plea of the petitioner that more amount was also recovered from him has also to be proved in view of uncontroverted averments. So, the matter has to be adjudicated after a thorough enquiry and it cannot be substantiated without evidence or vague admission.

17. The petitioner has no doubt addressed notices to Shri Daya Ram, Manager, however, in the reference it is the federation which had been made a party therefore, the respondent cannot contend that it is not a valid reference. This issue is answered in favour of the petitioner.

Issue no.2

18. The termination of services of the petitioner by the respondent is illegal and unjustified and the petitioner is entitled to reinstatement in service alongwith seniority and continuity with back wages @ Twenty five percent. This issue is partly answered in favour of the petitioner.

Issue no.3.

19. Admittedly, the services of the petitioner were engaged by the respondent Federation as Assistant Salesman and his services have been terminated by the Manager of respondent Federation on 31/3/2005 which makes it clear that there is employer and employee relationship between the petitioner and respondent federation. The issue is answered against the respondent.

Issue no.4.

20. The petitioner as held on findings on issue no.1 is entitled to reinstatement. The claim filed by him as such is maintainable. This issue is answered in favour of the petitioner.

Relief :

In the result, the reference is answered in affirmative. Consequently, petitioner is held entitled for reinstatement in service with seniority and continuity with effect from the date of his termination with back wages @ Twenty Five percent. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 21st day of September, 2011 in the presence of parties counsel.

(Parveen)

By order,
Sd/-
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA - 171 001

NOTIFICATION

Shimla, the 2nd June, 2012

No. HHC/Admn.16 (7)74-X.—Hon'ble the Chief Justice, in exercise of the powers vested in him U/S 139(b) of the Code of Civil Procedure, 1908, U/S 297(b) of the Code of Criminal Procedure, 1973 and Rule 5(vi) of the H.P. Oath Commissioners(Appointment & Control) Rules, 2007 has been pleased to appoint Sh. Sumeet Datt, Advocate, Dharamshala, as Oath Commissioner at Dharamshala, for a period of two years, w.e.f. 7.6.2012, for administering oaths and affirmations on affidavits to the deponents, under the aforesaid Codes and Rules.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171001**NOTIFICATION***Shimla the 2nd June, 2012*

No. HHC/Admn. 6 (23)/74-XIV.—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 2 (32) of Chapter I of H.P. Financial Rules, 2009, has been pleased to declare the Civil Judge (Junior Division)-cum-JMIC, Court No. III, Mandi as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Junior Division)-cum-JMIC, Court No. IV, Mandi and also the Controlling Officer for the purpose of T.A. etc. in respect of establishments attached to the aforesaid Court under head "2014-Administration of Justice" during the earned leave period of Smt. Upasna Sharma w.e.f. 11.6.2012 to 20.6.2012 with permission to prefix Second Saturday and Sunday falling on 9.6.2012 & 10.6.2012 or until she returns from leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA -171 001**NOTIFICATION***Shimla, the 2nd June, 2012*

No. HHC/GAZ/14-323/2011.—Hon'ble the Chief Justice has been pleased to grant 10 days earned leave w.e.f. 11.6.2012 to 20.6.2012 with permission to prefix Second Saturday and Sunday falling on 9.6.2012 & 10.6.2012 in favour of Smt. Upasna Sharma, Civil Judge (Junior Division)-cum-JMIC, Court No. IV, Mandi, H.P.

Certified that Smt. Upasna Sharma is likely to join the same post and at the same station from where she proceeds on leave, after expiry of the above period of leave.

Also certified that Smt. Upasna Sharma would have continued to hold the post of Civil Judge (Junior Division)-cum-JMIC, Court No. IV, Mandi, H.P. but for her proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA-171001**NOTIFICATION***Shimla, the 2nd June, 2012*

No. HHC/GAZ/14-277/2004.—Hon'ble the Chief Justice has been pleased to grant ex-post facto sanction of five days' commuted leave w.e.f. 1.5.2012 to 5.5.2012 in favour of Shri Vivek Khanal, Civil Judge (Junior Division)-cum-JMIC, Rajgarh, District Sirmaur, H.P.

Certified that Shri Vivek Khanal has joined the same post and at the same station from where he proceeded on leave, after expiry of the above period of leave.

Also certified that Shri Vivek Khanal would have continued to hold the same post of Civil Judge (Junior Division)-cum-JMIC, Rajgarh, District Sirmaur but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001

NOTIFICATION

Shimla, the 29th May, 2012

No. HHC/Admn. 3 (359)/92.—28 days commuted leave on and w.e.f 25.04.2012 to 2.05.2012 is hereby sanctioned, ex-post-facto, in favour of Shri M.R.Rolta, Court Master of this Registry.

Certified that Shri M.R.Rolta has joined the same post and at the same station from where he had proceeded on leave after the expiry of the above leave period.

Certified that Shri M .R.Rolta would have continued to officiate the same post of Court Master but for his proceeding on leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA

NOTIFICATION

Shimla, the 2nd June, 2012

No. HHC/Admn. 3 (153)/80-I.—12 days earned leave on and w.e.f. 11.06.2012 to 22.06.2012 with permission to prefix second Saturday and Sunday falling on 09.06.2012 and 10.06.2012 is hereby sanctioned in favour of Smt.Neelam Thakur, Assistant Registrar of this Registry.

Certified that Smt. Neelam Thakur is likely to join the same post and at the same station from where she proceeds on leave after the expiry of the above leave period.

Certified that Smt.Neelam Thakur would have continued to officiate the same post of Assistant Registrar, but for her proceeding on leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001

NOTIFICATION

Shimla, the 2nd June, 2012

No. HHC/Admn. 3 (139)/79.—20 days earned leave on and with effect from 04.06.2012 to 23.06.2012 with permission to affix Sundays falling on 3.6.2012 and 24.6.2012 is hereby sanctioned in favour of Shri Kamal Kishore Sood, Deputy Registrar of this Registry.

Certified that Shri Kamal Kishore Sood is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Shri Kamal Kishore Sood would have continued to officiate the same post of Deputy Registrar but for his proceeding on leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001

NOTIFICATION

Shimla, the 2nd June, 2012

No. HHC/Admn. 3 (283)/90.—07 days earned leave on and with effect from 02.06.2012 to 08.06.2012 with permission to suffix second Saturday and Sunday falling on 9.6.2012 and 10.6.2012 is hereby sanctioned in favour of Shri Chhape Ram, Deputy Registrar-cum-Special Secretary to Hon'ble the Chief Justice of this Registry.

Certified that Shri Chhape Ram is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Shri Chhape Ram would have continued to officiate the same post of Deputy Registrar-cum-Special Secretary to Hon'ble the Chief Justice but for his proceeding on leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001**NOTIFICATION***Shimla, the 2nd June, 2012*

No. HHC/Admn. 3(202)/83-I.—07 days commuted leave on and with effect from 17.5.2012 to 23.5.2012 is hereby sanctioned, ex-post-facto, in favour of Smt. Veena Joshi, Court Master of this Registry.

Certified that Smt Veena Joshi has joined the same post and at the same station from where she had proceeded on leave after the expiry of the above leave period.

Certified that Smt Veena Joshi would have continued to officiate the same post of Court Master but for her proceeding on leave.

By order,
Sd/-
Registrar General.